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OFFICE OF PETITIONS

In re Application of :
Bhatoolaul, et al. :
Application No. 10/019,702 :
Filed: December 27, 2001 :
Attorney Docket No. Bhatoolaul 4-16 :
For: CODE DIVISION MULTIPLE ACCESS
SYSTEM HAVING IMPROVED PILOT
CHANNELS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on December 26, 2006 (certificate of mailing date December 21, 2006), to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely and properly respond to the final Office action mailed March 22, 2006, which set an extendable three month period for reply. Applicants filed an amendment and one month extension of time on July 27, 2006 (certificate of mailing date July 24, 2006) which failed to place the application in *prima facie* condition for allowance, as was explained in the August 16, 2006 Advisory Action. On October 4, 2006 (certificate of mailing date October 2, 2006), petitioners requested a four month extension of time and submitted another amendment. A Notice of Abandonment was mailed on November 8, 2006. The date of abandonment is July 23, 2006.

Applicants have submitted a RCE and required fee and a copy of the amendment filed on certificate of mailing date October 2, 2006 in reply to the March 22, 2006 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the March 22, 2006 final Office action, and the petition fee. Therefore, the petition is granted.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$1,590.00 extension of time submitted on October 4, 2006 (certificate of mailing date October 2, 2006), was submitted subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioners' deposit account.

After the mailing of this decision the application will be forwarded to Technology Center AU 2616 for consideration of the RCE and amendment filed on December 26, 2006 (certificate of mailing date December 21, 2006).

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions